

FILED
Clerk
District Court

DEC - 9 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)

MARK B. HANSON, ESQ.
First Floor, Macaranas Building
Beach Road, Garapan
PMB 738 P.O. Box 10,000
Saipan, Mariana Islands 96950
Telephone: (670) 233-8600
Facsimile: (670) 233-5262

Attorney for Plaintiff Jin Chun Hu

IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

JIN CHUN HU,

Plaintiff,

vs.

ISLAND SEVEN COLORS, INC., KIM CHANG
RYEOL and DOE 1,

Defendants.

CASE NO. CV 05-0030

PLAINTIFF'S CASE MANAGEMENT
CONFERENCE STATEMENT

Date: Wednesday, December 14, 2005

Time: 8:30 a.m.

Judge: Hon. Alex R. Munson, Chief Judge

COMES NOW, Plaintiff JIN CHUN HU, by and through his attorney, pursuant to LR 16.2CJ(e)(2) with his Case Management Conference Statement:

A. Service of process on parties not yet served

1. On October 4, 2005, Plaintiff's attorney caused Defendants Island Seven Colors, Inc. and Kim Chang Ryeol to be served with summons and a copy of Plaintiff's Verified Complaint by service upon them personally.

2. On or about October 24 or 25, 2005, Plaintiff's attorney granted the request of Defendants' first attorney in this matter for a one month extension of the time to file an answer.

3. On November 25, 2005, Plaintiffs' attorney was served with a copy of Defendants' Answer to Plaintiff's Complaint filed by Defendants' second and present attorney on November 23, 2005.

4. Although DOE defendants remain to be discovered and served, all presently named parties

ORIGINAL

1 have been served with process.

2 **B. Jurisdiction and Venue**

3 1. This Court has subject matter jurisdiction over Plaintiff's FLSA claims pursuant to 28
4 U.S.C. § 1331 (federal question jurisdiction), 28 U.S.C. § 1337(a) (proceedings arising under any Act
5 of Congress regulating commerce).

6 2. This Court also has subject matter jurisdiction under the FLSA, 29 U.S.C. § 216(b), to
7 adjudicate Plaintiff's claims.

8 3. On November 23, 2005, all presently named Defendants filed their Answer to the Verified
9 Complaint, submitting to the personal jurisdiction of this Court.

10 4. Venue is properly placed in this Court as at all relevant time Plaintiff was an employee of
11 Defendants residing and doing business in Saipan, Commonwealth of the Northern Mariana Islands,
12 and all of Plaintiff's claims arise out of his employment with Defendants in Saipan.

13 **C. Track assignment**

14 Plaintiff recommends the **Expedited Track** assignment.

15 **REASONS:**

- 16 1. The issues in this case are few and clear;
17 2. Required discovery against Defendants will straight forward and it is not anticipated that
18 discovery will be extensive;
19 3. There are few real parties in interest;
20 4. Plaintiff expects that he will need a few fact witnesses to prove his case;
21 5. Plaintiff does not anticipate the need for expert witnesses;
22 6. The trial in this case would likely take one to two days;
23 7. This case has some suitability for alternative dispute resolution;
24 8. The character and nature of damage claims are routine, not fixed, but the calculation of
25 damages in this case should be straight forward and should not involve expert testimony.
26
27

D. Anticipated motions

1. Possible Motion to Amend Pleadings;
2. Motion to Strike Affirmative Defenses;
3. Various Discovery Motions;
4. Motion for Summary Judgment.

E. Discovery

Anticipated discovery:

1. Interrogatories to and from all defendants;
2. Requests for production of documents to and from all defendants;
3. Requests for Admissions to and from all defendants;
4. Depositions: Plaintiff tentatively anticipates that he will depose the following individuals:
 - a. Island Seven Colors, Inc. pursuant to Rule 30(b)(6);
 - b. Defendant Kim Chang Ryeol;
 - c. Mr. Kim Chang Ryeol's wife (probable DOE defendant); and
 - d. Mr. Simon Sin (probable DOE defendant).

Limitations on discovery: None.

F. Further proceedings

See Section K below.

G. Special procedures.

No special procedures are required.

H. Modifications of standard pre-trial procedures.

None.

I. Settlement prospects

No settlement discussions have occurred in which Plaintiff's attorney has been involved, but Defendants appear to allege by affirmative defense that Plaintiff settled his claims with Defendants during the last week of October 2005, about the same time Plaintiff's attorney granted Defendants' attorney's request for additional time to answer the Verified Complaint. An investigation is being

1 made into the facts and circumstances of Defendants' allegations which may lead to either a full and
2 fair compromise and settlement of this matter or an amended complaint with additional claims. It
3 is, however, too early to tell of what effect, if any, alleged actions subsequent to Plaintiff's Verified
4 Complaint had on Plaintiff's claims and/or any settlement in this case.

5 **J. Other matters**

6 ISSUES: [very generalized and not intended to limit or define Plaintiff's issues trial].

7 1. Determination of the hours per week Plaintiff performed work for Defendants from January
8 28, 2005 to October 2005.

9 2. Determination of joint employment by all defendants.

10 3. Determination of Plaintiff's applicable "regular rate" of pay as the term is defined in 29 U.S.C.
11 § 207(e) and used to determine Plaintiff's overtime premium due pursuant to the terms of the Fair
12 Labor Standards Act, 29 U.S.C. §§ 201 *et seq.*

13 4. Determination of the amount of liquidated damages to which Plaintiff is entitled.

14 **K. Setting of dates**

15 1. Joinder of all parties: April 30, 2006

16 2. Motions to amend: April 30, 2006

17 3. Discovery service cut-off: July 31, 2006

18 4. Discovery motions hearing date: September 13, 2006

19 5. Status/settlement conference: June 9, 2006

20 6. Status/settlement conference: September 20, 2006


21 7. Dispositive motion hearing date: October 26, 2006

22 8. Joint pretrial order: November 6, 2006

23 9. Final pretrial conference: November 10, 2006

24 10. Trial: November 20, 2006

1 DATED this 9th day of December, 2005

2 

3 MARK B. HANSON
4 First Floor, Macaranas Building
5 Beach Road, Garapan
6 PMB 738, P.O. Box 10,000
7 Saipan, Mariana Islands 96950

8 Attorney for Plaintiff JIN CHUN HU